

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHARLES O. BRADLEY TRUST, *et al.*,

No. C-04-2239 JSW (EMC)

Plaintiffs,

v.

**ORDER DENYING PLAINTIFFS'
MOTION TO REOPEN DISCOVERY**

ZENITH CAPITAL LLC, *et al.*,

(Docket No. 249)

Defendants.

Plaintiffs have filed a discovery motion in which they raise two issues: (1) production of an electronic database and (2) the reopening of discovery. The Court held a hearing on the motion on November 14, 2007. This order memorializes the rulings made by the Court at the November 14 hearing.

With respect to the electronic database, the parties have agreed as follows: The Zenith Defendants has made a second production of the database as of today. If that production does not contain the information sought by Plaintiffs, defense counsel will either personally examine Mr. Tasker's (the custodian) computer system or acquire the appropriate QuickBooks software and examine the database themselves. If the subject information is not in the database maintained by Mr. Tasker, the Zenith Defendants shall provide a detailed declaration stating such and explaining why the information no longer exists.

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1 With respect to Plaintiffs' request to reopen discovery as to Tristrata and COM 2001, the
2 request is **DENIED**. As Plaintiffs concede, they must demonstrate diligence in order to establish
3 good cause for a change to a pretrial scheduling order. For the reasons stated on the record,
4 Plaintiffs have failed to establish such diligence.

5 This order disposes of Docket No. 249.

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7 IT IS SO ORDERED.

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9 Dated: November 15, 2007



EDWARD M. CHEN
United States Magistrate Judge